

<b>JRPP NO:</b>	2010SYW073
<b>DA No:</b>	DA0657/10
<b>Proposed Development:</b>	Poultry Farm - Lot 7 DP 7571, 89 Boundary Road, Glossodia
<b>Applicant:</b>	Aconsult Development & Environmental Planning Consultants
<b>Submission:</b>	669
<b>Report by:</b>	Colleen Haron, Senior Town Planner Shari Hussein, Planning Manager Hawkesbury City Council

## **Assessment Report and Recommendation**

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### **Executive Summary**

A development application was received 28 September 2010 seeking approval for a poultry farm ("intensive agriculture"). This matter is being reported to the Joint Regional Planning Panel due to the proposal being designated development.

The poultry farm will be comprised of four (4) tunnel ventilated sheds, and ancillary facilities and infrastructure, and will accommodate a maximum of 200,000 birds.

Assessment of the proposal highlights the following relevant issues for consideration in the determination of the application:

- Noise
- Traffic
- Odour
- Visual Impact
- Stormwater & Water Quality
- Biosecurity
- Environmental Impact

The application is supported by:

- ❖ Environmental Impact Statement (EIS) including
  - Odour and Dust Impact Assessment
  - Noise Impact Assessment
  - Stormwater Management Assessment

- Traffic Assessment
- Flora and Fauna Survey and Assessment
- Bushfire Hazard Assessment Report
- Environmental Management Plan;

The application was publicly notified from 22 October 2010 to 20 December 2010. Six hundred and sixty nine (669) submissions were received; six hundred and sixty four (664) objecting to the development and five (5) in support. One petition containing Three hundred and fifty seven (357) signatures was submitted. A summary of the matters raised in the submissions follows:

- ❖ Noise Pollution
- ❖ Odour Pollution
- ❖ Water Pollution
- ❖ Air pollution
- ❖ Human health
- ❖ Animal health
- ❖ Flora and Fauna
- ❖ Lack of information provided
- ❖ Planning issues
- ❖ Scale of the development
- ❖ Community
- ❖ Business impacts
- ❖ Traffic
- ❖ Management and operation of Farm
- ❖ Loss in surrounding properties values
- ❖ Support of agriculture and the chicken industry in particular

This Report demonstrates that the proposed development will have an adverse impact on the locality in respect to offensive noise, stormwater drainage and water quality, and visual amenity. The Report also highlights that the application does not provide adequate information to assess the likely impacts of the development on the locality in respect to odour, biosecurity, and increased traffic at night.

The Environmental Impact Statement does not satisfactorily demonstrate the likely impacts of the proposed development and is contrary to the requirements under Schedule 2 of the Environmental Planning and Assessment Regulations 2000 therefore, it is recommended that the application be refused.

### **Description of Proposal**

The application seeks approval for a poultry farm for the production of meat birds with a maximum capacity of 200,000 birds and includes the following works:

- ❖ Construction of four (4) tunnel ventilated poultry shed having dimensions of 150m in length by 18m in width by 5.1m in height. The exhaust fans attached to these shed will be directed to the west.

The proposal provides for a density of eighteen point five (18.5) birds per square metre within four (4) sheds having a total floor space of 10,800m<sup>2</sup>. This will result in a total of 199,800 birds.

Each shed will have a compacted earth/clay floor, and be constructed of steel frame and roofing sheets, with walls comprising of concrete and sandwich panelling.

- ❖ An extension to the existing driveway to provide access to the poultry sheds and the construction of a loop road to facilitate ingress and egress to the poultry sheds.
- ❖ Earthworks to create a building platform for the sheds. These works will involve approximately 5m of fill and 6m of cut.
- ❖ Construction of a concrete platform between proposed Sheds 2 and 3 to support four (4) x forty five (45) tonne feed silos and a gas tank.
- ❖ Drainage works. Stormwater will be directed to the dam to the rear north western corner of the property. This Dam is located partially on the subject land and partially on an adjoining property.
- ❖ Stormwater harvesting and collection including three (3) onsite rainwater re-use tanks having a capacity of 200m<sup>3</sup> per tank. These tanks will collect roof water from the sheds, with any overflow being directed into the existing dam to the west. The tanks will be located adjacent to the rear western boundary of the property.
- ❖ Removal of native trees from within the south western area of the property.
- ❖ Installation of a freezer within the existing machinery shed located on the property. This freezer will be used for the storage of dead birds prior to disposal.
- ❖ Construction of earthen berms, vegetation barriers and colourbond fencing in accordance with the noise and odour control reports.

An earthen berm will be located to the west of the poultry sheds, and will be 2m in height and landscaped.

A second earthen berm, 3m in height, will be located along a portion of the internal road.

Two colourbond fences will be installed along the southern boundary of the site in line with the adjacent existing residence at 71 Boundary Road, and a future dwelling house site on a proposed lot (being a subdivision of 71 Boundary Road). These fences will be approximately 50m long and 35m long respectively, and 3m in height.

- ❖ A generator will be provided within the existing machinery shed as an alternative power source.

The poultry will be grown in cycles of approximately 9 weeks. There will be approximately 6 cycles per year. Each cycle will result in approximately 362 trucks visiting the site, generating 724 traffic movements (2172 movements per year).

## **Description of the Site and Surrounds**

The proposed development will be located within the rear western portion of Lot 7 DP 7571, 89 Boundary Road, Glossodia, which is 20.19 ha in area. The property is rectangular in shape, having dimensions of approximately 220m by 918m.

The subject land contains two dwelling houses, a machinery shed, various outbuildings and four (4) dams.

A watercourse transverses the front eastern portion of the land through the large dam sited in this area. This dam has a capacity of 12 megalitres. The property is predominantly cleared, with a pocket of vegetation along a portion of the eastern (front) boundary and scattered trees in the south western corner of the land. Both these areas have been identified as remnant Cumberland Plains Woodland, listed as a Critically Endangered Ecological Community under the Threatened Species Conservation Act, 1995.

A ridge line crosses the site approximately 600 metres from the eastern (Boundary Road) frontage. The proposed poultry farm will be located to the west of this ridgeline which is approximately 6 ha in area. The poultry farm will be accommodated within approximately 3 hectares of this area.

Surrounding landuses include rural residential uses, cattle grazing, horse establishments, market gardens and a mushroom farm. Poultry farms are located within the locality, with the nearest sheds being approximately one (1) kilometre away from the location of the proposed sheds.

## **Background**

BA0392/89 - Approved a dwelling on the subject site including retaining the existing 1926 dwelling.

DA0054/02 - Approved the enlargement of the existing dam to 12 megalitres, clear native vegetation and establish a cut flower farm.

DA0405/07 - Approved an agricultural farm shed, igloos and landfill.

## **Relevant Policies, Procedures and Codes**

- ❖ State Environmental Planning Policy (Major Developments) 2005
- ❖ State Environmental Planning Policy No. 44 – Koala habitat
- ❖ State Environmental Planning Policy No. 55 – Remediation of Land
- ❖ Sydney Regional Environmental Plan No 20 – Hawkesbury Nepean River
- ❖ Hawkesbury Local Environmental Plan 1989
- ❖ Draft Hawkesbury Local Environmental Plan 2009
- ❖ Hawkesbury Development Control Plan 2002
- ❖ S94A Development Contribution Plan

## **Section 79C Matters for Consideration**

In determining the application, the following matters are relevant:

## **Environmental Planning and Assessment Act, 1979 and Environmental Planning and Assessment Regulations 2000**

Section 77A of the Act defines designated development to be development that is declared designated development by an EPI or the Regulations.

### ***Designated Development***

Consideration has been given to Schedule 3 of the Environmental Planning and Assessment Regulation 2000 (Regulations), which relates to designated development. Clause 21 – Livestock Intensive Industries provides the criteria for poultry farms, and an assessment of the proposal against this criteria shows that the activity is 'designated development' for the following reasons:

- ❖ The proposed development is located within 100 metres of a natural waterbody.

The Regulations define a "waterbody" to mean:

*(a) a natural waterbody, including:*

- (i) a lake or lagoon either naturally formed or artificially modified, or*
- (ii) a river or stream, whether perennial or intermittent, flowing in a natural channel with an established bed or in a natural channel artificially modifying the course of the stream, or*
- (iii) tidal waters including any bay, estuary or inlet, or*

*(b) an artificial waterbody, including any constructed waterway, canal, inlet, bay, channel, dam, pond or lake, but does not include a dry detention basin or other stormwater management construction that is only intended to hold water intermittently.*

The development site directly adjoins a dam located in the north western corner of the property. This dam is located on a watercourse, and the development site is a minimum of approximately 25 metres from this watercourse. The development site abuts part of the dam wall.

- ❖ The proposal is within 500 metres of another poultry farm.

An existing poultry farm is located at 62 Old East Kurrajong Road, Glossodia. This property and the subject property have a separation of approximately 400m. The distance between the sheds on the existing poultry farm and the site for the proposed sheds on the subject land is approximately 1 kilometre.

- ❖ The proposed development is within 500 metres of a residential zone and 150 metres of a dwelling not associated with the development and is likely to significantly affect the amenity of the neighbourhood by reason of noise, dust, odour and traffic.

The Regulations define "development site", in relation to a development application, to mean:

*(a) the whole of the land to which the application applies, or*

*(b) if the application identifies part only of the land as the actual site of the proposed development, the part of the land so identified,*

*and, in relation to a development application for development involving alterations or additions to development (whether existing or approved), includes the actual site of the existing or approved development.*

A residential area is located within approximately 400m of the proposed development site. In addition the dwelling house located on 71 Boundary Road (adjoining property to the south) is located approximately 20 metres from the access driveway to the development.

The dwelling house on 72 Boundary Road, Glossodia is located approximately 100 metres from the access to the property/development site.

### ***Environmental Impact Statement***

In accordance with Section 78A(8) of the Act an environmental impact statement (EIS) has been submitted. Clauses 71, 72, 73 and Schedule 2 of the Regulations stipulate the information to be included within an environmental impact statement.

Submissions received in objection to the proposal have stated that the application is inconsistent with these Clauses of the Regulations. In this respect, it is confirmed that a signed declaration has been received as per the requirements of Clause 71. Matters identified in Clauses 72, 73 and Schedule 2 have been addressed within the EIS, however, not in a satisfactory manner with respect to:

- ❖ An analysis of any feasible alternatives to carrying out of the development;

The Department of Industry and Investment advised that the “*site has agricultural land class 3, suitable for improved pastures and for cropping in rotation with pasture.*”

- ❖ An analysis of alternative sites for the proposal, including alternative sites within the subject property;

The property contains another area of adequate size and cleared of native vegetation that has the potential to accommodate the development. The application does not provide an analysis of the benefits or otherwise of carrying out the development in this area.

- ❖ An analysis of the consequences of not carrying out the development;

It is considered that these consequences have not been adequately addressed.

- ❖ A justification for the carrying out of the development in the manner proposed.

The application does not consider alternative designs for the proposal, such as:

- Alternative orientation of the sheds;
- Terracing of the sheds, rather than extensive cut and fill to create a single large building platform;
- Relocation of the access driveway.

**Notification**

The application was publicly notified in accordance with Section 79 of the Act and Clauses 78, 79 & 80 of the Regulations, and referred to the relevant public authorities in accordance with Clause 77 of the Regulations.

In compliance with Clause 81 of the Regulations, all submissions were forwarded to the Director-General of the Department of Planning. The submissions were forwarded on 16 February 2011.

**a. The provisions (where applicable) of any:**

**i. Environmental Planning Instrument:**

The relevant environmental planning instruments are:

**State Environmental Planning Policy (Major Developments) 2005**

The application is referred to the Joint Regional Planning Panel for determination in accordance with Clause 13B(1)(e) of this Policy as the development is identified as being 'designated development'.

**State Environmental Planning Policy No. 44 - Koala Habitat Protection**

Both the 'Flora and Fauna Survey and Assessment' Report prepared by Dr T Hawkeswood and the 'Flora and Fauna Assessment and Seven Part Test of Significant' prepared by Anderson Environmental Consultants P/L identified the site as being 'potential habitat', but not 'core koala habitat' as defined by State Environmental Planning Policy No. 44.

Therefore the Panel is not prevented from granting consent to the proposal under the provisions of this Policy.

**State Environmental Planning Policy No. 55 - Remediation of Land**

A search of Council files indicated that the land has not been used for any approved activities which would render the soil contaminated to such a degree as to prevent the future development of the land for a poultry farm. Therefore the application is considered to be consistent with the provisions of State Environmental Planning Policy No. 55.

**Sydney Regional Environmental Planning Policy 20. (No.2 - 1997) - Hawkesbury - Nepean River (SREP No. 20).**

The subject land falls within the boundary of SREP 20. This Policy aims "to protect the environment of the Hawkesbury-Nepean River system by ensuring that the impacts of future land uses are considered in a regional context." SREP 20 requires Council to assess development applications with regard to the general and specific considerations, policies and strategies set out in the Policy.

Specifically Clauses 6(1), 6(3), 6(4), 6(6), 6(8) and 11(7) & 11(11) of the Plan applies to the proposal and have been considered in the table below:

<b>Specific Planning Policies and Recommended Strategies</b>	<b>Compliance</b>	<b>Comment</b>
Total Catchment Management	No	It is considered that the proposed development will have a significant impact on the local catchment of Howes Creek in respect to water quality as demonstrated further in this Report.
Water Quality	No	The proposal will have an adverse impact on the quality of water entering nearby watercourses.
Water Quantity	No	Due to the extent of cut and fill required, stormwater runoff from the development will be redirected and concentrated into the dam predominantly sited on an adjoining property. The proposed berm will also result in the blocking of a watercourse on the property.
Flora and Fauna	Yes	There will be no significant adverse impact on threatened flora and fauna species, populations or habitats, or endangered ecological communities.
Agriculture/aquaculture and fishing	No	Separation of the proposed poultry farm from adjoining development is considered to be unsatisfactory in respect to minimising land use conflicts resulting from the impact of the poultry farm in respect to noise, odour and visual impacts as demonstrated further in this Report.

<b>Development Controls</b>	<b>Compliance</b>	<b>Comments</b>
Filling	Yes	Consent required.
Intensive animal industries	Yes	An environmental management plan has been submitted with the application.

### **Hawkesbury Local Environmental Plan 1989 (HLEP 1989)**

#### **Clause 2 – Aims, objectives etc,**

The proposed development is considered to be inconsistent with the following general aims and objectives as outlined in Clause 2 of Hawkesbury Local Environmental Plan 1989:

- ❖ *to provide the mechanism for the management, orderly and economic development and conservation of land within the City of Hawkesbury,*



- ❖ *to protect attractive landscapes and preserve places of natural beauty, including wetlands and waterways.*

#### **Clause 8 – Zones indicated on the map**

The subject land is within the Mixed Agriculture zone.

#### **Clause 9 – Carrying out of development**

The proposed development is defined as ‘intensive agriculture’ which is permissible with consent within the Mixed Agriculture zone.

#### **Clause 9A – Zone objectives**

Clause 9A states that consent shall not be granted for a development unless, in the opinion of Council, the carrying out of the development is consistent with the objectives of the zone.

The objectives of the Mixed Agriculture zone are:

- (a) to encourage existing sustainable agricultural activities,*

**Comment:** At present the property is used for the non intensive grazing of cattle and horses.

- (b) to ensure that development does not create or contribute to rural land use conflicts,*

**Comment:** It is considered that the proposed poultry farm will contribute to land use conflicts with adjoining residential properties in respect to noise and traffic impacts. These matters are discussed further in this Report. (see Noise and Vibration section).

It is also considered that conflicts may arise in respect to matters of odour and biosecurity. (See Dust and Odour section and Natural Hazards section).

- (c) to encourage agricultural activities that do not rely on highly fertile land,*

**Comment:** It is considered that the property is suitable for use as a poultry farm in terms of the zoning and agricultural potential of the land. However, it is considered that the subject proposal will have an adverse impact on the amenity of the locality as demonstrated within this Report.

- (d) to prevent fragmentation of agricultural land,*

**Comment:** The proposal will not result in the fragmentation of agricultural land.

- (e) to ensure that agricultural activities occur in a manner:*

- a. that does not have a significant adverse effect on water catchments, including surface and groundwater quality and flows, land surface conditions and important ecosystems such as streams and wetlands, and*

*b. that satisfies best practice guidelines and best management practices,*

**Comment** The proposed development will result in increased nutrients and sediments entering the watercourse located in the north eastern corner of the property. This watercourse is a tributary of Howes Creek and a regionally significant wetland associated with Howes Creek. (See discussion in Water Section).

*(f) to promote the conservation and enhancement of local native vegetation, including the habitat of threatened species, populations and ecological communities by encouraging development to occur in areas already cleared of vegetation,*

**Comment:** The flora and fauna assessment submitted with the application demonstrates that the proposed development will have no significant impact on threatened species, populations, ecological communities or their habitats. Whilst this may be the case, the trees to be removed are part of remnant Cumberland Plains Woodland that are located in an area previously identified for conservation and subject to a Vegetation Management Plan as part of a previous development consent (DA0054/02). Given that most of the subject property is cleared, it is considered reasonable that the development could be designed and sited so that no native vegetation is required to be removed.

*(g) to ensure that development retains or enhances existing landscape values that include a distinctive agricultural component,*

**Comment:** It is considered that the significant extent of cut and fill proposed, coupled with the size of the proposed sheds (4 sheds with dimensions of 18m by 150m, and 5.1m in height) will have an adverse visual impact. The proposed two colourbond fences (being 35m and 50m long and 3m high) are not considered to be in keeping with the rural character of the locality.

In addition, and following a request by Council, the applicant has not provided adequate elevation plans for the proposed silos to enable an assessment of the visual impact of these structures.

*(h) to prevent the establishment of traffic generating development along main and arterial roads,*

**Comment:** The proposed development is not classified as traffic generating development under the provisions of State Environmental Planning Policy (Infrastructure) 2007.

*(i) to control outdoor advertising so that it does not disfigure the rural landscape,*

**Comment:** The proposal does not involve signage.

- (j) *to ensure that development does not create unreasonable economic demands for the provision or extension of public amenities or services.*

**Comment:** The proposed development will not create unreasonable demands for the provision/extension of public amenities or services.

### **Clause 18 – Provision of water, sewerage etc services**

This Clause states that development consent shall not be granted unless satisfactory arrangements have been made for the provision of water, sewerage, drainage and electricity to the land.

Electrical and telephone services are available to the site. It is considered that these available services are satisfactory for the proposed development. Onsite effluent disposal service the existing dwelling houses on the site.

The EIS advises that the water requirements for the operation of the poultry farm will be:

- ❖ Drinking water for birds – 2 megalitres per batch (12 megalitres per year)
- ❖ Washout of sheds - 1.3 megalitres per batch ( 7.8 megalitres per year)

Based on these estimates the proposed development will require a total of approximately 19.8 megalitres of water per year. However, the application also states that more drinking water would be required during higher temperatures and humidity, and, in a different section of the EIS provides a drinking water requirement of 14.4 megalitres. Based on this estimate, a total of 22.2 megalitres of water per year would be required.

Water is proposed to be provided through the following sources:

- ❖ A 20 megalitre bore;
- ❖ The 12 megalitre dam situated at the front of the property; and
- ❖ Three, 200m<sup>3</sup> rain water tanks

However, water from the bore is not guaranteed, as a licence for a test bore has not been granted to date. As a result water will only be available from the dam and rainwater tanks providing a total of 12.6 megalitres.

The application is contradictory and does not adequately demonstrate that sufficient water is available to support the proposed development and therefore the proposal is inconsistent with this Clause.

### **Clause 36 – Clearing of land in certain environmental and other zones.**

This Clause prohibits the felling of trees, filling or otherwise altering the surface level of land without the consent of the Council.

### **Clause 37A – Development on land identified on Acid Sulfate Soils Planning Map**

The land affected by the development falls within Class 5 as identified on the Acid Sulfate Soils Planning Map. The proposed development does not include any works as defined within this Clause and therefore no further investigations in respect to acid

sulphate soils are required. The proposal is consistent with the requirements of this Clause.

#### **Clause 44 – Intensive agriculture**

Following is an assessment of the considerations required by Clause 44 for applications for intensive agriculture:

- i. the need to protect the quality of downstream watercourses

Comment: The proposed development will result in increased nutrients, and possibly other pollutants, entering the dam adjacent to the development. This dam is located on a watercourse, which is a tributary of Howes Creek. This is discussed further in the Report (see Water Section).

- ii. the need to conserve native vegetation

Comment: The proposed development will require removal of trees which are part of a remnant patch of Cumberland Plains Woodland.

- iii. the need to protect environmentally sensitive areas, such as wetlands, riparian zones, endangered ecological communities and threatened species within the meaning of the *Threatened Species Conservation Act 1995*.

Comment: It has been identified that the critically endangered ecological community Cumberland Plain Woodland is present on the site. Development Consent DA0054/02 approved the clearing of native vegetation on the site in conjunction with a cut flower farm. This clearing was approved subject to the conservation of native vegetation within two areas on the site. The clearing of the land has been carried out, however the cut flower activity has not commenced. The proposed development will encroach into one of these conservation areas, requiring further removal of vegetation. Whilst the Flora and Fauna Assessment has identified that the trees to be removed are not significant, and has proposed that the conservation area be extended to the east and be subject to a Vegetation Management Plan to compensate for any loss, it is further considered that alternative areas are available for the development within the centre of the property where it has been previously cleared.

- iv. the need to protect the amenity of the area from noise, dust, visual impact, spray drift, odour or any other potentially offensive sources, and

Comment: The application does not satisfactorily demonstrate that the proposed development will not have an adverse impact on the locality with respect to odour, noise, visual amenity and water quality.

- v. the need to limit the impact of the development on flood liable land.

Comment: The land is not flood liable.

- ii. **Draft Environmental Planning Instrument that is or has been placed on exhibition and details of which have been notified to Council:**

Draft Hawkesbury Local Environmental Plan 2009 applies to the proposal. The exhibition of this draft Plan was undertaken from 5 February 2010 to 12 April 2010. Under this Plan the subject land is proposed to be zoned RU1 Primary Production. The proposed use is permissible with consent, however the proposal is considered to be inconsistent with objectives 4 and 6 of the RU1 zone in that:

- i. the proposed development will contribute to landuse conflicts for the reasons discussed in this Report;
- ii. the proposal may have an adverse impact on the water quality of the watercourses and dams within the locality;

The implementation of the draft LEP is imminent. The draft LEP was exhibited last year and feedback on the plan is being reported to Hawkesbury City Council within the next month prior to being referred to the Department of Planning seeking gazettal.

**iii. Development Control Plan applying to the land:**

**Hawkesbury Development Control Plan 2002**

The Hawkesbury Development Control Plan applies to the proposal. An assessment of the proposal against the relevant provisions of this Plan follows:

**Notification Chapter**

The application was publicly exhibited and notified in accordance with the requirements of the Environmental Planning and Assessment Act, 1979 and Regulations, 2000. Six hundred and sixty nine (669) submissions were received and are discussed further in this Report.

**Erosion and Sediment Control Chapter**

Erosion and sediment control can be enforced through conditions of consent in accordance with the provisions of this Chapter.

**Landfill**

In order to achieve the proposed formation levels (bulk pad level of RL 44.68) a significant quantity of fill material is required to be brought to the site. The estimated volume is approximately 2500m<sup>3</sup>. However in the Statement of Environmental Effects the applicant (Engineering Consultants Report) states that there is no importation of fill for the development. The importation of this fill will require approximately 150 trucks.

An assessment of the likely impacts resulting from the importation of the fill against the principles of this Chapter shows that the proposal is inconsistent with these principles in the following manner:

1. Drainage of the filled development area will result in the concentration of water into a shared dam, which is also located on a watercourse. This is not considered satisfactory as all nutrients and sediments generated by the development should be contained on the site. The applicant proposes to use the shared dam for water quality control purposes. (Refer to discussion in Water Section).

2. The proposed extent of land filling is expected to adversely impact on the visual and scenic quality of the locality and its rural character.
3. The proposed works will have an adverse impact on adjoining properties with respect to stormwater discharges and visual amenity.
- iv. **Planning agreement that has been entered into under section 93F, or any draft planning agreement that a developer has offered to enter into under section 93F:**

There has been no planning agreement or draft planning agreement entered into under Section 93F of the environmental Planning and Assessment Act, 1979.

v. **Matters prescribed by the Regulations:**

Conditions will be imposed relating to compliance with the Building Code of Australia.

- b. **The likely impacts of that development, including environmental impacts on both the natural and built environments and the social and economic impacts in the locality:**

**Context & Setting**

The locality contains a mix of rural residential uses, cattle grazing, horse establishments, market gardens and a mushroom farm. Poultry farms are located within the locality, with the nearest one being approximately one (1) kilometre away. The proposed use is considered consistent with these landuses.

However, it is further considered that the application does not satisfactorily demonstrate that the proposed activity will not have an adverse impact on the amenity of adjoining and nearby properties in respect to noise, odour, water quality and visual amenity.

In Councils letter of 24 November 2010, concerns were raised in respect to the likely visual impacts of the proposed development given:

- ❖ Suitability of the site for this development in visual impact terms;
- ❖ Justification for the positioning of the sheds and associated infrastructure;
- ❖ The extent of cut and fill of the building pad;
- ❖ The size, height, materials and colours of the proposed sheds;
- ❖ The setbacks of the development from boundaries;
- ❖ Earthen berms;
- ❖ Colourbond fence;
- ❖ Extent of landscaping

The applicants' response to these concerns relies on the use of vegetated earthen berms and landscaping to mitigate visual impacts.

The applicant justifies the positioning of the sheds in terms of facilitating the use of cut to create a level building platform and using the cut batters to buffer the development from adjoining properties. The use of cut and fill to create a level building platform is proposed for ease of future management and access to the

poultry farm. The works for the creation of the building platform will involve approximately 5m of fill and 6m of cut. It is considered that these earthworks will contribute significantly in the prominence of the development within the landscape, as well as resulting in the redirection and concentration of stormwater.

The applicant has not provided a colour schedule for the sheds, silos, rainwater tanks or colourbond fences, however have indicated that it will be neutral and complementary to the natural environment. These details were requested to enable a full assessment of the visual impacts of the development.

The applicant advised that the setbacks of the development from adjoining boundaries were dictated by the width of the property, the length of the sheds and the size of the batters required. Batters associated with the earthworks will have a minimum setback from boundaries to adjoining properties of 3 metres. Batters will also be located in close proximity to the watercourse and dam, and in one location adjoins the dam wall itself. The proximity of the development to the watercourse and dam, in particular, is considered inappropriate with regard to the impact on water quality and the lack of area for riparian vegetation.

The applicant advises that the appearance of the earthen berms will be mitigated once vegetation has been established on them.

The applicant states that the fencing is *consistent with the rural environment and necessary in looking for compliance with noise impacts. The fencing is deemed not to have a detrimental visual impact.* Two colourbond fences will be located along the southern boundary. One fence will be 50 metres long and 3 metres high; while the other will be approximately 35m long and 3 metres high. It is considered that colourbond fences, and especially ones of these dimensions, are inconsistent with the rural character of the locality. A colourbond fence is also to be located along the top of the earth berm. This berm runs along the rear/western boundary which is 220m in length and will be highly visible until landscaping has matured.

### **Access, Transport & Traffic**

A Traffic Assessment Report prepared by BJ Bradley & Associates and dated 13 July 2010 was submitted in support of the application. This Report concluded:

- ❖ *“Traffic volumes on Boundary Road are very low and are unlikely to alter significantly in the next ten years as Boundary Road is not a through-road.*
- ❖ *The site of the proposed poultry farm is a relatively large rural property.*
- ❖ *Sight distances at the existing access on Boundary Road that will be the access for the proposed poultry farm are greater than the desirable sight distances in each direction.*
- ❖ *The proposed poultry farm will generate negligible traffic volumes onto Boundary Road.*
- ❖ *The potential traffic impacts of the proposed poultry farm will be negligible and the SIDRA simulations indicate that the average delays for vehicles on Boundary Road will not be adversely impacted even for projected 2020 traffic volumes.*
- ❖ *SIDRA simulations at the access on Boundary Road, at Boundary Road and Creek Ridge Road and also at Creek Ridge Road and Spinks Road indicate that there will be negligible impacts on both of these two junctions, even for projected 2020 traffic volumes.*

*I recommend that the proposed poultry farm at Glossodia be approved as the potential traffic impacts on Boundary Road will be negligible.*

**Comment:**

The report states that the poultry farm activity will generate approximately 362 trucks movements per batch (approximately a 2 month time period). This means 362 truck movements x 6 batches makes a total of 2172 truck movements per year. The majority of these truck movements will occur at the end of each batch/ the beginning of the next batch. The truck movements associated with the activity have been summarised in the following table:

Operations	Truck movements
Shavings (Beginning of each growing cycle)	6 trucks per shed prior to stocking (48 movements total)
Initial Stocking (Beginning of each growing cycle)	4 trucks per shed over 1 week (32 movements total)
Gas Trucks	2 trucks per batch (4 movements total)
Feed Trucks	70 trucks per batch (140 movements total)
Bird Pick up 32 <sup>nd</sup> day over 1 night  39 <sup>th</sup> to 42 <sup>nd</sup> over 3 nights  51 <sup>st</sup> to 56 <sup>th</sup> over 2 to 3 nights (End of each growing cycle)	9 trucks  13 trucks  23 trucks (90 truck movements total)
Shaving Pick-up (End of each growing cycle over several days)	24 trucks (48 truck movements total)

The Traffic and Assessment Report suggests that the 90 truck movements associated with bird pick up will occur between the hours of 8:00pm and dawn. This would involve:

- Batch day 32 - 18 movements in one night
- Batch day 39 to 42 - 26 movements over three nights
- Batch day 51 to 56 - 46 movements over two to three nights

The report does not provide any comment on the impact of additional traffic on neighbouring properties at this time of night.



The Traffic and Assessment Report considers the traffic generation of the construction phase of the poultry farm, however has not taken into consideration truck movements associated with the importation of fill onto the property or earth moving machinery.

Whilst the application indicates that no fill will be brought to the site, it has been calculated by Council's Development Engineer that approximately 2500m<sup>3</sup> of fill material will need to be imported to the site to achieve the proposed finished levels of the building platform. Based on this amount of fill being delivered to the site there will be another approximately 150 trucks (300 truck movements). An assessment of the likely impacts of truck movements associated with the filling of the land cannot be carried out given that no details of this aspect have been provided with the application.

The applicant advised that the existing internal driveway will not require any upgrading. However, the driveway consists of coarse aggregate over compacted soil. This pavement is not appropriate for use by the number and size of truck associated with the activity. Before this could be considered suitable, there would need to be an upgrading of the access driveway to provide the required width, pavement and passing bays to minimise erosion and to reduce traffic noise to neighbours.

### **Public Domain**

As outlined above, the EIS does not satisfactorily demonstrate the likely impacts of the proposed development on the public domain within the locality, and in particular Boundary Road, with respect to night time truck movements and associated noise and lights, given that 90 night time truck movements will occur and be concentrated at night time.

### **Other Land Resources**

It is considered that the use of the site for a poultry farm will restrict the future use of the site for agricultural purposes due to changes in the landform and soil profile resulting from the extensive amount of cut and fill required by this proposal.

### **Heritage**

The site and surrounds are not listed as either a site of European or Aboriginal Heritage significance.

The Deerubbin Local Aboriginal Land Council was notified of the application and did not make any submissions.

### **Water**

A 'Stormwater Management Plan' prepared by RGH Consulting Group, Ref: 10071G-R01 Rev.02 dated August 2010 was submitted in support of the application. This Report concluded:

*"RGH Consulting Group Pty Ltd (RGH) was commissioned to provide conceptual engineering design drawings to support an application to Council with regard to the management of stormwater from the proposed construction of a poultry farm facility (the Facility). RGH has prepared this report in addition to*

*the conceptual drawings to provide a description of the design items in regard to:*

- i. The adequacy of the existing site dam to settle and store expected sediment during the construction phase*
- ii. The adequacy of the proposed drainage system to convey the expected stormwater either to the rainwater tanks or bypassed to the existing dam*
- iii. The adequacy of the proposed drainage system and existing dam to remove expected pollutants*
- iv. The performance of the most cost effective rainwater tank volume for the Facility*
- v. Maintenance of the proposed stormwater management systems*

*The RGH report states their design is suitable because it has:*

- ❖ Ensured that the expected design rainfall upon the facility and its surrounding vicinity is managed to ensure stormwater is conveyed without causing erosion and scour during the construction phase and the operational phase of the facility*
- ❖ Determination of the most appropriate rainwater tank storage volumes to minimise the reliance of the Facility upon alternative water supplies, as well as the import of potable water by using harvested rainwater generated by the proposed roof areas*
- ❖ Undertaken water quality modelling using the MUSIC programme to ensure the quality of the stormwater leaving the Facility is at adequate and to acceptable levels*
- ❖ Undertaken building hydraulic engineering associated with the delivery of the harvested roof water to temporary storage tanks”*

Key aspects of this report are discussed below.

### *Sediment Basin*

During construction, it is proposed to divert stormwater generated by the catchment around the proposed development to minimise erosion. Initially, the application proposed that the existing dam in the north western corner of the property be used as a sediment settlement and storage basin during construction. This was not supported as the dam is located on a watercourse, as well as also being predominantly located on an adjoining property. The NSW Office of Water also advised of their non support of the use of this dam as a sediment basin.

As a result, the application was modified to propose a separate sedimentation basin within the property adjacent to the eastern boundary with a capacity of 350m<sup>3</sup>.

The capacity of the basin was calculated on the assumption of a particular soil type, however there was no geotechnical assessment to confirm the appropriateness of the assumptions adopted. The Report also advises:

*“It should be noted that the performance of these calculations in the absence of detailed soil analysis is indicative only. It is recommended that soil testing*

*be done in the future stages of design development to confirm the soil loss factors as adopted in the above calculations.”*

Therefore, it is considered that the application does not satisfactorily demonstrate that the sedimentation basin will have the appropriate capacity to prevent sediments from leaving the site and entering the downstream watercourse. In addition, it is considered that if the soil testing did result in the need for a larger basin any enlargement of the basin would not be possible due to confined area in which it is located.

During the operation of the farm, all stormwater, including runoff from roads, batters and roofs will be directed to the existing dam via grassed swales. The report states that *“It is intended to divert flows generated by the minor uphill catchments away from the Facility, and into the existing dam.”*

The proposal is for roof water collected within the rain water tanks to be used for drinking water for the poultry. The application estimates an annual rate of 14.4 mega litres required for poultry drinking water, which equates to approximately 280 litres per week. Sixty percent (60%) of the time these tanks will be empty, and water will be used from other sources, including water from the dam at the front of the property and water from a proposed bore.

As previously discussed it is unclear if satisfactory onsite water resources are available given that water from a proposed bore is not guaranteed. An insufficient water supply will result in the need for water to be brought to the site, which will result in increased impacts from truck movements. An assessment of the likely impacts of truck movements associated with the importation of water to the site cannot be carried out given that no details of this aspect have been provided with the application.

#### *Water Quality*

Appendix E to Hawkesbury Development Control Plan requires that the development does not produce an increase in pollutants from the existing condition.

The report states that:

*“It is proposed to utilise the swales and the existing dam as water quality measures for the proposal. These measures were modelled using the software program MUSIC which is an industry accepted program for simulating the quality of runoff from catchments*

*While the expected nutrient pollutants (phosphates and nitrates) can be treated initially by the swales and secondly by the dam, it is not considered good practice to utilise the dam as to trap gross pollutants during the design lifetime of the development. After modelling to determine the predevelopment loadings, RGH modelled the post case without the affect of the existing dam to ensure gross pollutants were captured by the swale drainage system alone. It was found that the swales would reduce the gross pollutants, total suspended solids and phosphates from the predevelopment case, the only non-compliant pollutant being the reduction of nitrates, Inclusion of the assumed dam volume as noted in Section 3.1 above will reduce the nitrate loading to less*

*than that of the predevelopment case. Therefore the development will not result in an increase in pollutants carried by stormwater.*

It is considered unsatisfactory for the existing dam to be used as a water quality control measure, as this dam is located on a watercourse and is shared by an adjoining landowner.

Approximately 1.3 megalitre of water will be used in the clean out of the sheds. This water will contain left over shavings and manure, as well as disinfectants and pesticides. It is unclear as to whether the water quality modelling has considered these contaminants in the assessment.

The proposed vegetated earth berm located along the western boundary will be constructed over a watercourse, with no measures to prevent the obstruction of the flow of water. As a result, water flows from the adjoining property to the west will be impeded.

Hence the submitted EIS does not satisfactorily address the likely impact of increased pollutants.

### **Flora & Fauna**

A Report titled 'Flora and Fauna Survey and assessment of Lot 7, DP 7571, 89 Boundary Road, Glossodia, New South Wales', dated 28 March 2010 and prepared by Dr Trevor J. Hawkeswood was submitted in support of the application. This Report concludes: *"...in my professional scientific opinion, I see no impediments, based on flora/fauna concerns, for the poultry farm as proposed."*

The assessment identified that remnant Cumberland Plains Woodland was present on the land, being an area of remnant/regrowth woodland in the eastern portion of the land and consisting of remnant trees in a western portion of the property. Cumberland Plains Woodland is identified as a critically endangered ecological community under the Threatened Species Conservation Act, 1995. The Flora and Fauna Assessment states that a number of trees will be removed, however the report does not provide any further details as to the number and location of these trees. Likewise the application and the plans accompanying the application do not identify these trees.

The submitted 'Flora and Fauna Survey and Assessment' Report also identified that the existing dams on the site support a diverse array of insects, some reptiles, birds and amphibians, and advised that:

*"... .. As the poultry operations will be located close to the edge of one of these dams, a landscape/revegetation plan will be provided elsewhere which will ensure ecological protection to this water body."*

No revegetation plan was provided within the EIS report or accompanying or the development application.

The initial 'Flora and Fauna Survey and Assessment' Report was not consistent with the Threatened Species Assessment Guidelines (Department of Environment and Climate Change) so Council officers requested additional information in this respect.

A supplementary Report was submitted. This Report titled 'Flora and Fauna Assessment and Seven Part Tests of Significance' dated January 2011 was prepared by Anderson Environmental Consultants P/L and addressed the matters raised in Council's letter of 24 November 2010.

This Report advises:

*"The results of the Seven Part Tests of Significance indicate that a Species Impact Statement would not be required, as there would be no significant impacts on any threatened species, populations or endangered ecological communities as listed under the New South Wales Threatened Species Conservation Act (1995) or the Commonwealth Environment Protection and Biodiversity Conservation Act (1999).*

*The removal of some of the area proposed previously for conservation purposes as part of the new proposal would occur however it is recommended that a Vegetation Management Plan be written to improve the integrity and viability of this vegetation so there is NO NETT LOSS. This is consistent with management of such communities under the IUCN (International Union for the Conservation of Nature) conservation protocols and it is on this basis that the recommendations in the report are made.*

*The vegetation (in the south western area of the property) is no longer considered to represent any endangered ecological community due to its high levels of structural and floristic degradation. Approximately 2500m<sup>2</sup> of this area would require direct disturbance through the removal of the trees mentioned and it is expected that another 1000m<sup>2</sup> would be impacted by indirect impacts.*

*Due to the previously mentioned DA by council (of which details are not available) it appears that this area was proposed as a conservation area and as such this area should be managed and extended to the east via a Vegetation Management Plan to ensure there is no net loss of this vegetation.*

*Implementation of a VMP would result in no long term effect on this vegetation and if fully implemented then this vegetation could be restored to a sound condition."*

Whilst it is considered that the requirements of Part 5A of the EP & A Act are satisfied in that the proposed development will have no significant impact on threatened species, populations, ecological communities or their habitats, it is identified that the subject property, which is predominantly cleared, has ample area to accommodate the development without further clearing of the remaining native trees. It is also noted that these trees are within an area previously identified for conservation/preservation and subject to a Vegetation Management Plan for regeneration of the Cumberland Plains Woodland community.

## **Waste**

The Environmental Management Plan provides the operational procedures for the farm. This Plan satisfactorily addresses solid waste management, however, as

previously discussed, the disposal of waste water from the cleaning of shed may have an adverse impact on the water quality of the adjacent dam and watercourse.

### **Noise & Vibration**

A 'Noise Impact Assessment' report prepared by Benbow Environmental dated September 2010 was submitted in support of the application. This Report concluded:

*The ambient noise levels were monitored for eight days weeks near two nearby residences and the data used to develop Project-Specific Noise Levels in accordance with the SECCW's Industrial Noise Policy.*

*The noise levels that would be generated by the proposal were modelled using the Concawe algorithm in the SoundPLAN digital computer model. Noise levels measured at similar installations by Benbow Environmental were used in the noise model. The noise modelling showed that the proposed farm layout would comply with the Project-Specific Noise Levels if appropriate noise control measures are installed. This does not include the noise level of trucks entering/leaving the farm.*

*The noise impact assessment recommends the adoption of the following controls and safeguards as part of best practice:*

- ❖ *The vegetated earth berms recommended from the odour assessment report on the western side of the sheds;*
- ❖ *An earth berm 3m high at the section of the internal road in line with PR1;*
- ❖ *A Colorbond fence on the southern boundary of the site in line with the adjacent residence; and*
- ❖ *Adoption of best practice management used by the poultry industry for night time bird pick up.*

### **Comment:**

Bird pick up will involve 9 trucks (18 truck movements) on 32<sup>nd</sup> day, 13 trucks (26 truck movements) on 39<sup>th</sup> to 42<sup>nd</sup> day and 23 trucks (46 truck movements) on 51<sup>st</sup> to 56<sup>th</sup> day. Potentially, and in general terms, this means that a maximum of 45 trucks (90 truck movements) over a period of 3.5 weeks being carried out between the hours of 8:00pm and dawn. The time period of 10:00pm to 7:00am falls into the night time criteria of the EPA Industrial Noise Policy.

The access driveway to the development is located only about 20m from the existing residence on the adjoining property to the south (71 Boundary Road) and truck movements for bird pick up would be carried out during the night time period. The Acoustic Report identifies that the proposal cannot meet the Project Specific Noise Limits calculated for the development in respect to this adjoining property, even with the inclusion of mitigation measures such as the acoustic fence.

The Report also identified a noise receiver located to the south of the poultry sheds. This receiver was chosen as a future dwelling house site on a proposed lot approved by Development Consent DA0509/06 (a subdivision of 71 Boundary Road). The Acoustic Report indicated that the noise during the pick up/transportation of the birds would exceed the determined noise criteria for this receiver.

Therefore, the proposed development will have an adverse impact in terms of offensive noise for both existing and future development (namely nearby residences). There is no justification as to why the existing driveway location is suitable given the proximity to existing development. Overall, the EIS has not adequately demonstrated how potential noise impacts can be mitigated. The potential noise impacts are one of the key issues raised in submissions.

### **Dust and Odour**

An 'Odour and Dust Impact Assessment' report prepared by Benbow Environmental dated September 2010 was submitted in support of the application. This Report Concluded:

*The Department of Environmental, Climate Change and Water (DECCW) guidelines "Approved Methods for the Modelling and Assessment of Air Pollutants in New South Wales (August 2005)", "Technical framework – Assessment and management of odour from stationary sources in New South Wales (November 2006)" and "Technical notes – Assessment and management of odour from stationary sources in New South Wales (November 2006)" were followed in the preparation of this odour and dust impact assessment report.*

*The odour and dust impact assessments established outcomes that compliance can be achieved under the guidance of the DECCW guidelines, provided that the proposed emission controls using the vegetated earth berms and vegetation would be implemented with the proposed poultry sheds as well as adjacent to the Receptor R2 location. The proposed controls would not only reduce the odour and dust impacts from the site but it would also increase the visual amenity of the site. In addition to this, it is environmentally sustainable but would also aid reducing the greenhouse gas emissions.*

*It is recommended that post-commissioning odour survey be conducted to validate the effectiveness of the proposed odour control.*

*It is the opinion of Benbow Environmental that the proposed farm be approved in the aspect of odour, provided that the proposed odour control has been established.*

### **Comment**

The Department of Industry and Investment advised that "constructing a fixed 3m high barrier a few metres from exhaust fans can help reduce the concentration of odours at nearby dwellings or public areas by directing expelled air upwards, which increases turbulence and the dispersion of odours."

However, the design of the proposal places the odour and dust barrier (vegetated earth berm), extending from a distance of approximately 25m from the tunnel ventilated fans. The submitted Odour and Dust Impact Statement advises that the optimum distance for such a barrier is 3 to 6 metres. Should dust and odour capturing devices be required in the future, there is minimal area available to locate these closer to the fans due to the location of the roadway immediately in front of the fans.

Even though the consultant has recommended a post commissioning odour assessment, no additional controls or measures have been suggested or modelled to demonstrate that mitigation measures can be achieved should the currently proposed controls not meet the appropriate criteria. The documentation for the EIS is contradictory in that it claims to resolve potential impacts yet the consultant's recommendations are not being reflected in the design documentation for the proposal.

In the north western corner of the site the sheds will be sited on land approximately 6m higher than the land on which the vegetated earth berms will be located. Given the height of the sheds, the height of the berms and the location of the fans, it is estimated that the vegetation will need to reach a height of at least 7m to become effective for dust and odour control. Depending on care and maintenance, the proposed vegetation will take approximately 5 or more years to reach this height and to develop a density adequate to provide the required mitigation measures.

The applicant proposes to use shade cloth for odour/dust control until vegetation is established on the earth mounds and functioning for this purpose. The landscaping plan indicates that the temporary screen will be 2.4m in height and located in front of the berm. Given that the ground level of the berm is approximately 6m below the building platform for the poultry sheds, it is considered that the screen will be ineffective in this locality.

These proposed interim methods of odour control are not considered to be effective nor attractive and also contradict the sustainability claims in the EIS. Given the timeframe for the establishment of the vegetated earth berms will take some years, it is considered unreasonable that neighbouring properties be potentially subjected to adverse odour and dust impacts for this period. After that the effectiveness of the berm design is questionable as it is not in accordance with advice of the applicant's own odour consultant. The impact of odour has been a key concern raised in submissions.

### **Natural Hazards**

A 'Bushfire Hazard Assessment Report' Ref: 100078 dated 14 September 2010 and prepared by Building Code & Bushfire Hazard Solutions Pty Limited was submitted in support of the application. This Report concluded:

*"Given that the property is deemed bushfire prone under Hawkesbury City Council's Bushfire Prone Land Map any development would need to meet the requirements of Planning for Bushfire Protection – 2006 and the construction requirements of AS3959-2009. The determination of any bushfire hazard must be made on a site-specific basis that includes an assessment of the local bushland area and its possible impact to the subject property.*

*The subject property is a large rural farming allotment within area of similar properties. The hazard was identified as being grassland within neighbouring private allotments to the north and west. It should be noted that currently these neighbouring allotments are well maintained/grazed, and the grassland hazard has only been applied as a precaution should maintenance cease.*



*The proposed development does not contain a residential component and is not considered Special Fire Protection Purpose and has therefore been assessed under s79BA of the EP&A Act and the principals of Planning for Bushfire Protection 2006 4.3.6 “PBP and other buildings” have been applied.*

*As the vegetation posing a hazard to the proposed poultry sheds was determined to be grassland a basic Asset Protection Zone of 10 metres should be provided. The proposed poultry sheds will be located 20 metres from the hazard to the north and >35 metres from the hazard to the west, consisting of maintained grounds wholly within the subject property.*

*The proposed poultry sheds do not contain a residential component, are constructed entirely from non combustible materials and are located greater than 30 metres from the closest dwelling.*

*In accordance with the bushfire safety measures contained in this report, and consideration of the site specific bushfire risk assessment it is my opinion that when combined, they will provide a reasonable and satisfactory level of bushfire protection to the subject development and also satisfy both the Rural Fire Service’s concerns and those of Council in this area.*

*I am therefore in support of the development application....”*

#### **Comment**

The ‘Bushfire Hazard Assessment Report’ satisfactorily demonstrates that the proposed development is afforded an appropriate level of bushfire protection. It is considered that the bushfire affectation of the locality is not prohibitive to the development.

#### **Biosecurity**

Council officers sought advice about this aspect and NSW Industry & Investment advised:

*“The setback to other poultry development is over 1 km to the closest poultry farm and nearly 2km to others. The 2004 Poultry Meat Chicken Farming Guidelines recommends 2km separation between poultry farms to help minimise the risk of disease transfer between farms.*

*Separation between farms is about minimising, but not eliminating the risk of disease spread. Particular circumstances are critical for determining the risk of disease spread (eg prevailing wind directions, the type of poultry farm, type of disease, and transport of poultry and biosecurity practices that are adopted on farm). In this instance the other farms, are not on the same road network which would reduce the risk of poultry trucked past a farm being a vector for the spread of poultry diseases. For some diseases and circumstances a separation of 2km might be unjustified. There are also records of disease spread over very substantial distances (eg more than 8 km). Hence it is not possible to set a fixed one size fits all numerical standard for biosecurity.*

*In considering the proposal in relation to the Guidelines – developing a new farm in a district with several existing farms (including a high value breeder*

*farm) and on a site which is only 1 km from the nearest farm can increase bio-security risks because:*

- ❖ It provides a bridge for diseases to jump between farms,*
- ❖ It may affect the extent of the practical quarantine zone in case of an exotic poultry disease outbreak and the costs of disease control for the government and other farmers.*
- ❖ A significant disease incursion or the imposition of area quarantine restrictions that affects the nearby significant elite breeder farm may impact significantly on the entire supply chain for a processor."*

Further, the NSW Industry and Investment have advised that *"An additional poultry farm could increase the risk of poultry disease spread to other poultry farms. The increased risk is assessed to be significant considering the presence of important breeder farm in the immediate vicinity."*

In the EIS has identified some of the factors (location, type and size of farm, climate, wind direction, and type of pathogen) which can contribute to the transmission of disease, and concludes that the most important measure to prevent the spread of disease is the management of the farm. However, no assessment of these risks factors has been submitted and no specific details have been provided to demonstrate what measures can be used to significantly reduce the risks on the farm, on adjoining farms and the locality in general.

The EIS therefore does not adequately address the serious potential implications of biosecurity. Specifically, the EIS does not provide sufficient containment, avoidance or abatement measures to manage the potential biosecurity risk. This has been a key concern raised in submissions.

### **Pest control**

The Environmental Management Plan within the EIS does not provide detailed information as to how pests/vermin will be controlled on the site. However, in terms of environmental impact this aspect is relatively minor and these details could be provided for assessment by way of conditions of consent.

### **Technological Hazards**

Chemical use on the site will include detergents, sanitisers, disinfectants, rodenticides, and insecticides. All chemicals will be stored within the existing shed located on the property. It can be ensured through conditions of consent that all chemicals be stored within an area which is bunded and lockable, and that all persons applying chemicals on the farm have obtained a chemical user certificate.

### **Safety, Security & Crime Prevention**

The owner/operator of the poultry farm will reside on the site. There are no other details in the EIS about this aspect however this could be provided for assessment by way of conditions of consent.

### **Social Impact in the Locality**

The application has not addressed the likely social impacts of the development on the locality. Matters raised within submissions include:

- ❖ The impact of the development on the lifestyle enjoyed by adjoining/nearby properties;
- ❖ Changes to the appearance and feel of the area;
- ❖ Threatens future expansion of the Glossodia community.

Given the likely negative impacts of the development in terms of noise, odour, traffic and visual amenity, it is considered that the proposed development is likely to have an adverse social impact in the manner identified within the submissions.

### **Economic Impact on the Locality**

It is considered that the proposed development will have a positive, if minor, impact on the economy of the locality. There will be the benefit of the poultry meat production and employment related to the site and truck movements however the potential local economy benefits have not been explained.

#### **c. Suitability of the site for the development:**

It is considered that the site is unsuitable for the proposed development for the following reasons as previously discussed:

- ❖ The significant extent of earthworks required to create a level building platform;
- ❖ The proximity of the watercourse and dam to development site;
- ❖ The proximity of residential area and dwelling houses to the development site.
- ❖ The proximity of other poultry farms in the locality
- ❖ The removal of native vegetation when sufficient cleared area is available on the property
- ❖ The location of access driveway to the farm along southern boundary and in close proximity to the adjoining dwelling house.

The points outlined above demonstrate that the area for development on the land has not been chosen to have minimal impacts despite there being alternative locations and design orientations possible on the same site. The development design appears to have ignored the consultant's recommendations and been positioned for operational convenience rather than minimising the potential environmental impacts on the site.

#### **d. Any submissions made in accordance with the Act or the Regulations:**

##### ***Public Authorities***

The application was referred to the following public authorities for comment:

- Department of Environment, Climate Changes and Water (EPA & NP&WS);
- NSW Industry & Investment (Agriculture, Mineral Resources, Fisheries);
- NSW Office of Water;
- Roads and Traffic Authority;
- Department of Planning;
- NSW Land & Property Management Authority (Crown Lands)
- Sydney Water

The following agencies responded:

**NSW Office of Water**

The NSW Office of Water (NOW) placed two stop-the-clock requests for additional information:

In their letter of 25 October 2010, NOW advised that the use of the dam in the north western corner of the property as a sediment basin was not supported as this dam is *“on-line” of a watercourse and therefore does not separate clean and dirty water and the dam is also on another property*, and requested additional information in respect to any upgrading of the internal road.

In their letter of 2 November 2010, NOW advised that the use of water from the bore and the dam would need to be licenced. In addition, they also advised that:

*“...until letters outlining no objections to the drilling of a test bore within 200m of the property boundary area received from these two (adjoining) owners, a test bore licence cannot be issued.*

*In summary, the EIS is deficient in that it does not fully answer the surface water issues and the Office has not even issued a Test Bore licence, the Water Balance and supply is not guaranteed. As water supply is essential for the proposal, the applicant should consider alternatives to address this uncertainty*

The applicant provided a response to the Office of Water’s request for additional information on 7 December 2010.

In their letter of 21 April 2011, the NOW provided their General Terms of Approval for ‘works’ requiring a Controlled Activity Approval under the Water Management Act 2000. However, General Terms of Approval in relation to ground water licensing have not been provided, and it was recommended that:

*“... the proponent explore other water supply alternatives until matters with the test bore application are resolved.”*

The General Terms of Approval issued are also subject to the following amendments to the Plans:

- ❖ *There is not be any fill within the watercourse or in 10m of the top of bank of the watercourse in the NW corner of the site.*
- ❖ *There is to be a riparian zone established along the same watercourse.*
- ❖ *There is not to be any water quality control structures within the riparian zone of the same watercourse.*
- ❖ *There is to be no water quality control structure within any watercourse on the site.*

As previously discussed, the vegetated earth berm is proposed to be located over the watercourse. As this is not permitted within the General Terms of Approval, the removal of the berm in this location will further compromise the effectiveness of this structure to mitigate dust and odour impacts.

In addition, the dam located on this watercourse is proposed to be used for water quality control, which is also not permitted by the General Terms of Approval.

So although General Terms of Approval has been issued the development design is contradictory to the terms of that approval. In order to address these matters the development would need to be re-designed so that the potential impacts of the new design could be re-assessed by the Office of Water. A deferred commencement approach is not recommended as without GTAs' on a re-design the consent authority could be making a determination contrary to the Water Management Act 2000 and legislative requirements.

### **Department of Environment and Climate Change**

In their letter of 2 November 2010, the Department of Environment and Climate Change provided the following advice:

*"Schedule 1 of the Protection of the Environment Operations Act 1997 (POEO Act) states that "Livestock intensive activities" applies to bird accommodation with the capacity to accommodate more than 250,000 birds at any time. Based on the details provided by Council, the proposal has the capacity to store approximately 199,800 day old birds. Therefore, an Environment Protection Licence under the POEO Act would not be required and the Council will be the Appropriate Regulatory Authority."*

### **NSW Industry & Investment**

In their letter of 21 December 2010, NSW Industry and Investment provided the following advice:

*"This is a coordinated I & I NSW response - there are no issues raised from the perspective of Minerals and Fisheries."*

The Department provided comments and guidance with respect to land use and zoning, land use conflict risks and odour impacts, windbreak walls and odour, noise, dead bird disposal, and poultry biosecurity, and concluded:

*"The site for the proposed development has both benefits and constraints for sustainable poultry development:*

- ❖ *The area has mixed rural uses including intensive agriculture, similar to the East Kurrajong locality, however the scale of the proposed poultry development would be the most intensive of such development in the locality.*
- ❖ *The accuracy of odour and noise impact modelling and proposed mitigation measures will be critical for minimising the risks of significant adverse impacts on the amenity for the majority of nearby residents.*
- ❖ *The movement of trucks at the farm access point at boundary Road particularly at night may cause noise impacts, however residents would already be aware of truck movements along boundary Road from the existing mushroom farm and vegetable farm further down Boundary Road.*
- ❖ *An additional poultry farm could increase the risk of poultry disease spread to other poultry farms. The increased risk is assessed to be significant considering the presence of important breeder farm in the immediate vicinity.*

As already discussed, these risks and impacts have not been adequately addressed in the EIS for this proposal.

### **Roads and Traffic Authority**

The Roads and Traffic Authority advised in their letter of 23 November 2010 that the RTA raises no objection to the development application.

### ***Public Submissions***

The application was publicly exhibited for the period 22 October 2010 to 20 December 2010. Following notification, a total of six hundred and sixty nine (669) submissions were received; six hundred and sixty four (664) objecting to the development and five (5) in support. One petition (357 signatures) was submitted.

The matters raised in the submissions are summarised below:

- ❖ Noise Pollution
- ❖ Odour Pollution
- ❖ Water Pollution
- ❖ Air pollution
- ❖ Human health
- ❖ Animal health
- ❖ Flora and Fauna
- ❖ Lack of information provided
- ❖ Planning issues
- ❖ Scale of the development
- ❖ Community
- ❖ Business impacts
- ❖ Traffic
- ❖ Management and operation of Farm
- ❖ Loss in surrounding properties values
- ❖ Support of application

A detailed list of the matters raised in the submissions is provided with Appendix 1 attached to this Report. In summary, the major issues raised were in relation to odour, water pollution and noise; with approximately 50% of submissions raising these concerns. Approximately 40% of submissions also raised the matters of traffic impacts, and affectation on flora and fauna and the community of Glossodia.

It is considered that in the matters of noise, odour, traffic, water pollution, biosecurity, visual impact and adequacy of the information provided within the application, the concerns of the public are warranted.

#### **e. The Public Interest:**

The EIS advises that the proposed development cannot meet the required criteria in respect to offensive noise and water quality. In addition, the application does not adequately address the matters of odour, sedimentation control, biosecurity, impact on the public domain and social impact on the locality to provide certainty that the

development will have no adverse impact in respect to these matters. The assessment of the proposal has also identified that a significant adverse visual impact will result from the proposed development.

Therefore, support of the proposal is not considered to be in the public interest.

#### **Section 94A Development Contribution Plan**

A contribution plan applies to the land under Section 94A of the Environmental Planning and Assessment Act, 1979 and requires a levy of 1% be imposed on this development. In accordance with the above, a \$9,500.00 developer contribution applies to this development. This requirement is typically included as condition of consent if a development is approved.

#### **Conclusion:**

As demonstrated within this Report, it is considered that the proposed poultry farm will have an adverse impact on the locality with respect to noise, water quality and visual impacts. Given these impacts and the significant biosecurity risk the development presents, it is further considered that the proposal will create landuse conflicts between residential properties and potentially with other poultry farm in the locality.

In addition, the application does not provide adequate information to assess the likely impacts of the development with respect to truck movements associated with filling of the land and night time truck movements on the public domain. The vegetated earth berms to be used to mitigate odour and dust impacts have not been located as advised by the environmental consultant. As a result, there is no certainty that these controls can work, and opportunities for alternative control measures have not been explored.

Whilst the application will have no adverse impacts on the endangered ecological community on the site, the removal of native vegetation in general is not supported when adequate cleared areas for development are available on the property and alternative designs for the proposal have not been considered. In addition to the unnecessary clearing of vegetation, the extensive cut and fill required for the development is also considered unwarranted and will contribute to land degradation and the restriction on other agricultural uses of the land in the future. The proposed development will also result in the obstruction of a natural watercourse.

The deficiencies in the assessment of impacts in the EIS are not minor. Council officers sought information on these matters throughout the assessment process. However, many of the essential matters to be addressed as required in any EIS remain unresolved.

This proposal has raised significant concerns amongst a high proportion of nearby residents and other industry operators. Many of the concerns are substantiated yet the applicant has not sought to actively resolve those matters during the assessment process with the relevant parties.

Overall there has been a somewhat cursory environmental impact assessment approach to potentially severe implications of this proposal. The EIS is fundamentally inadequate in this regard. The application essentially asks the

consent authorities to take many matters on trust without adequate detail and despite contradictions in the design documentation. As there is no established record of operation on this site this cannot be given any weight in this case.

In view of the above, it is recommended that the application be refused.

### **RECOMMENDATION:**

That development application DA0657/10 at Lot 7 DP 7571, 89 Boundary Road, Glossodia for a poultry farm ("intensive agriculture") be refused for the following reasons:

1. The application does not adequately address the criteria as specified in S79C of the Environmental Planning and Assessment Act 1979.
2. The application and the accompanying Environmental Impact Statement do not adequately address the criteria under Schedule 2 of the Environmental Planning and Assessment Regulations 2000.
3. The information submitted is contradictory and prevents the General Terms of Approval to be provided from the Office of Water from being applied in this case in relation to water supply and impacts on watercourses.
4. The proposed development is inconsistent with the planning considerations, policies and recommended strategies of Sydney Regional Environmental Plan No. 20 - Hawkesbury Nepean River with respect to total catchment management, water quality and quantity and management of agriculture.
5. The proposed development is inconsistent with the objectives of Draft Hawkesbury Local Environmental Plan 1989 as:
  - a. the proposed development will contribute to landuse conflicts; and
  - b. the proposal may have an adverse impact on the water quality of the watercourses and dams within the locality;
6. The proposed development is inconsistent with the objectives of Hawkesbury Local Environmental Plan 1989 in that it does not constitute orderly and economic development of the land, will have an unreasonable impact on the rural character and scenic quality of the area and will have an adverse impact on the water quality on waterbodies and watercourses in the locality.
7. The proposed development is inconsistent with objective (b), (e), (f) and (g) of the Mixed Agriculture zone contained within Hawkesbury Local Environmental Plan 1989 with respect to rural land use conflicts, water quality, clearing of native vegetation and visual impact.
8. The proposed development is likely to have an adverse impact on the amenity of residents in the immediate locality in regard to noise, visual impact and water quality.



9. The proposed development does not satisfactorily demonstrate that the development will have no adverse impact on the natural or built environment with respect to traffic generation, odour and biosecurity.
10. The site is unsuitable for the proposed development given the extent of cut and fill required, clearing of native vegetation, location of access, inadequate setbacks from boundaries and waterbodies/watercourses, and the proximity to residences, residential areas and other poultry farms in the locality.
11. In the circumstances, approval of the development would not be in the public interest.

## **Attachments**

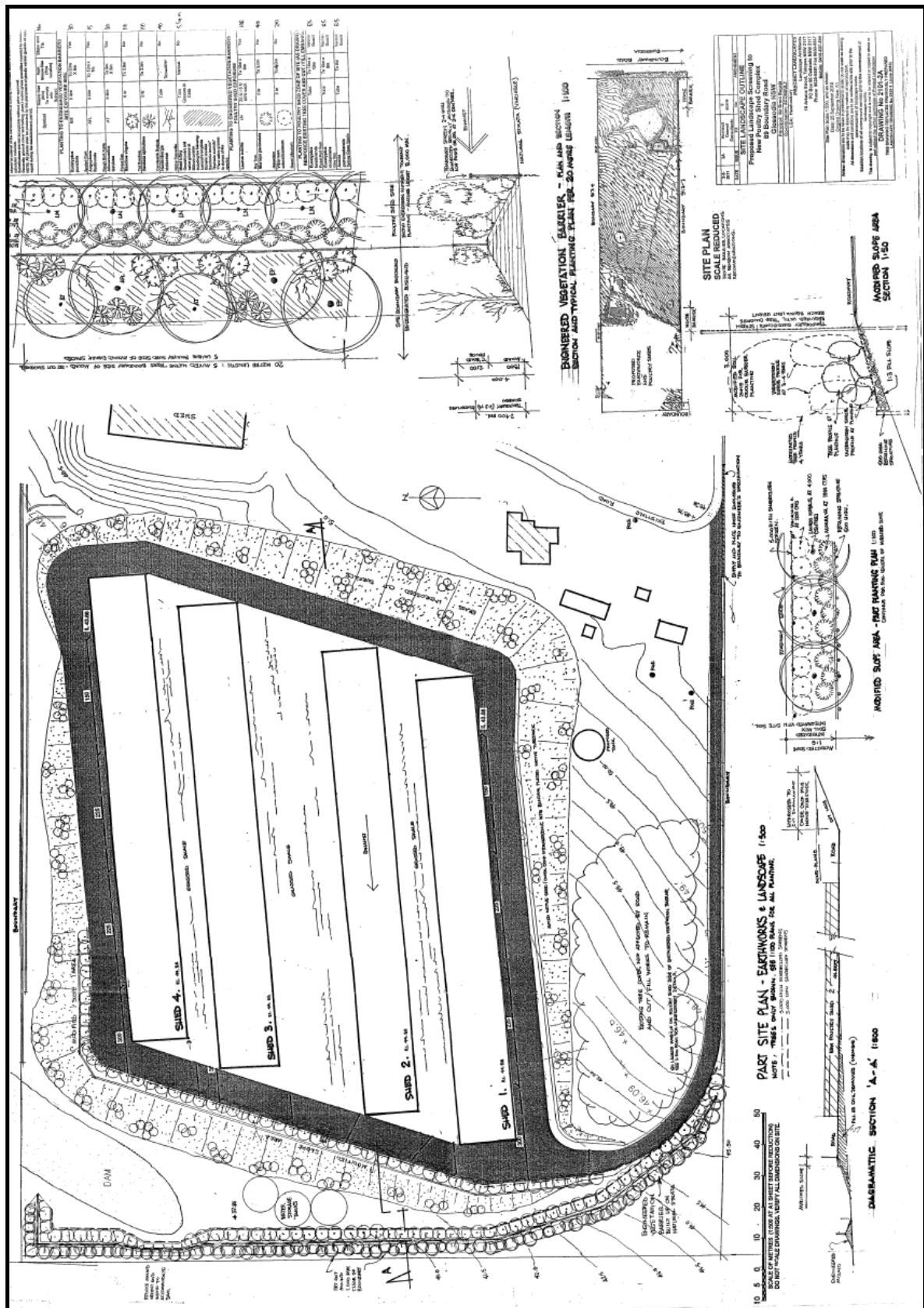
- AT 1 – Locality Plan
- AT 2 – Site Plan
- AT 3 – Elevation Plan
- AT 4 – Landscaping Plan
- AT 5 – Appendix 1 – Summary of Submissions



The figure is a topographic map of a site, showing contour lines and a proposed extension. The map is labeled "SITE PORTION PLAN" and "FULL SITE PLAN". The map shows a large area with contour lines, a proposed extension (indicated by a dashed line), and a north arrow. The map is labeled with "2 DP 1113267" and "2 DP 1113267". The map is labeled with "2 DP 1113267" and "2 DP 1113267". The map is labeled with "2 DP 1113267" and "2 DP 1113267".

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**Attachment 4**  
**Landscaping Plan**  
**Lot 7 DP 7571, 89 Boundary Road, Glossodia**





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**Attachment 5**  
**Appendix 1 – Summary of Submissions**  
**Lot 7 DP 7571, 89 Boundary Road, Glossodia**

The application was publicly exhibited for the period 22 October 2010 to 20 December 2010. Following notification six hundred and sixty nine (669) submissions were received; six hundred and sixty four (664) objecting to the development and five (5) in support. One petition (357 signatures) was submitted.

The matters raised in the submissions are addressed below:

**Noise Pollution**

- Exhaust fans
- From day to day operation, delivery of chickens
- From construction, trucks etc
- Reversing alarms of trucks

**Odour Pollution**

- Smell of manure
- Smell of ammonia
- Smell when cleaning sheds
- Exhaust fans directed to nearby residents
- Vegetation buffers will not help odour
- Prevailing winds will shift odour to Glossodia township

**Water Pollution**

- Stormwater runoff from sheds will directly flow into waterways
- Nitrogen and phosphorus entering waterways
- Localised flooding from increased runoff
- NSW Office of Water are opposed to the bore so development should not be supported
- Cut and fill to create building platform will change water flows
- Water quantity and quality will change the locality
- No bunding of hazardous material has been proposed for the chemical areas
- Glossodia has just been connected to the sewer to reduce the amount of effluent being disposed in the area now they propose to pollute waterways.

**Air pollution**

- Dust from trucks and operation of the farm will travel to Glossodia
- Light pollution from facility

**Human health**

- Cancer, allergies
- Asthma
- Noise, odour and light will affect nearby residents sleeping patterns

**Animal health**

- Bird flu
- Domestic animals/horses will be impacted with polluted waterways and disease
- Biosecurity
- Introduction of vermin to the area, including foxes, snakes
- Bushfire threat to chickens in the sheds which will not be rescued in the event of a fire
- Not enough water would be provided for birds to drink
- The proposal is within 2km of existing chicken farms and any disease outbreaks would affect the whole Windsor area with domestic and agricultural animals having to be killed to quarantine the area.

**Flora and Fauna**

- Impact critical flora and fauna habitats
- Proposal will attract, fox, snakes and fleas, ticks and lice which will impact flora and fauna habitats.
- Flora and fauna report has not addressed the possibility for the regeneration of the Endangered Ecological Community located on the site
- The wetlands will be ruined with the poultry farm
- Species impact statement is be required to be provided for DECCW
- Non native species have been proposed for landscaping

**Lack of information provided**

- Plans submitted to don't accurately show distances between development and adjoining neighbours or nearby residential area
- Discrepancies in the EIS.
- Invalid application, not signed by the consultant
- None of the reports submitted have been prepared by specialist consultants
- Details have not been provided in regards to where water will drain to and if it will be treated
- Application has not looked into the potential chemicals stormwater will collect form the site
- Specific details have not been provided about the importation of fill.
- Proposal does not meet NSW Govt standards for noise and the merits of the proposal against the disturbance of Glossodia township have not been assessed
- Predicted odour contours are incorrect and noise controls indicated in the noise impact assessment are not adequate
- EIS has not addressed all the necessary threatened species assessment and survey methodology
- Proposal has not looked at the category 3 stream which runs through 89 Boundary Road
- Proposal has not satisfactorily addressed potential contamination at the site, for soil importation or fuel storage during the construction
- Removal of Cumberland plain vegetation has not been adequately reported on



- Appropriate assessment under the Threatened species conservation Act 1995 and Commonwealth Environmental Protection and Biodiversity Conservation Act 1999 need to be undertaken
- SREP 20 and SEPP 44 have not been considered

### **Planning issues**

- Approval will set a planning precedent with more development being attracted to Hawkesbury
- The area is a rural residential area
- Will impact future residential development of Glossodia
- Development is too close to neighbouring poultry farms
- Development too close to adjoining poultry farms
- Development too close to residential area
- Will create a bushfire risk with LPG tanks
- The proposed bore and chicken farm is much closer to nearby residential properties than is allowed
- This area should be used for the future residential subdivision of the Hawkesbury
- The EIS has not looked into the biosecurity risks
- Visual impacts of the sheds and 3m acoustic wall
- Residence within 150m of the envelope of the development
- There are various other poultry farms within the Hawkesbury which don't comply with their consents or have approval and it is unlikely that this farm will comply
- Council currently does not monitor existing poultry farms within the Hawkesbury
- Council has recently approved 8 lot subdivision on 88 Spinks road for rural residential development
- Development undermines Mixed Agriculture zone objectives

### **Scale of the development**

- Future expansion
- Number of birds too many
- Visual impact of four large sheds
- Broiler farm much larger than standard sizes

### **Community**

- Impact neighbouring properties lifestyle
- Will change the appearance and feel of the area
- Threatens future expansion of the community

### **Business impacts**

- Impact horse adjustment businesses within the area
- Impact 'Pepes' ducks, biosecurity.
- Proposal will not generate any significant employment opportunities as only one person will be employed onsite.
- In the event of an outbreak business in the Hawkesbury will suffer



**Traffic**

- Road wear
- Road infrastructure is not adequate for heavy vehicle movements
- Safety of vehicles on Boundary road

**Management and operation of Farm**

- Use of chemicals will impact the locality, ie. pollution - sickness
- Animal cruelty
- 24hour operation of fans and lights
- Pesticides
- Meet processing farm
- The details about the amount of water to be used does not add up and is half the minimum required for a chicken farm of this size
- They will ultimately have more than 199800 birds
- Overall welfare of chickens based on intensive chicken farming, wet litter build up will change the behavioural problems relating to cramped conditions changing animals natural diet, possible cannibalism.
- Current property owner does not look after his property properly already, how can he look after a large chicken farm

**Loss in surrounding properties values**

- People will have to leave

**Support of application**

- Development will provide chicken for the western Sydney basin
- Will support agriculture in Sydney basin
- Chicken will have to imported from interstate if proposal not supported
- Public interest of Sydney overrides the community issues addressed
- The expansion of residential areas will push agriculture outside of the Sydney basin
- Public have been driven by the fear the development will impact their lifestyle with misleading information being spread
- A1 influenza outbreaks which have occurred in Australia has never transmitted to humans or domestic animals
- Dust, noise and odour can be controlled through the ventilation outduct system
- Chicken farming is a dry operation with minimal water from inside the sheds being released
- The development is permissible within the zone and has specifically been zoned within close proximity to the residential area of Glossodia
- The chicken processing industry in NSW is declining and needs support of new farms